

REMARKS

This Amendment, submitted in response to the Office Action dated August 25, 2004, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-4 and 6-12 are all the claims pending in the application.

I. Preliminary Matter

Applicant respectfully requests that the Examiner approve the drawings filed October 2, 2005 and February 27, 2002.

II. Claim Objection

Claim 1 has been objected to for informalities. In particular, the Examiner objects to claim 1 for lacking a transitional phrase such as “comprising” or “consisting of” in the preamble.

Applicant submits that claim 1 is in proper form and there is no requirement that a claim have a transitional phrase. However, in order to expedite the prosecution for the present application, Applicant has amended claim 1 as indicated above. Consequently, the objection to claim 1 should be withdrawn.

III. Claim Rejections under 35 U.S.C. § 103

Claims 1-4, 6, 7, 11 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Beamenderfer et al. (U.S. Patent No. 4,834,674). The Examiner correctly concedes that Beamender does not disclose “wherein no immediate adjacent ones of the

conductors of the flat cable are in the same plane” as recited in claim 1. However, the Examiner asserts that it would have been obvious to one skilled in the art to provide a plurality of conductors wherein no immediate adjacent end portions of the conductors are in the same plane to accommodate a cable connector wherein connecting ports are arranged in a way such that no immediate adjacent conductors are in the same plane. In particular, the Examiner states it is obvious to provide a single wire 4 instead of providing two adjacent signal wires 4.¹

The Examiner’s rejection is improper for at least the following reasons.

First, the Examiner cannot simply reach conclusions based on his own understanding or experience or on his assessment of what would be basic knowledge or common sense. Rather, the Examiner must point to some *concrete evidence in the record* in support of these findings. MPEP 2144.03; see also *In re Zurko*, 258 F.3d 1379, 59 USPQ 1693 (Fed. Cir. 2001). Regardless of what the Examiner believes, no concrete evidence has been provided other than the Examiner saying that having no immediate adjacent end portions of the conductors in the same plane would have been obvious to one skilled in the art. That is not concrete evidence sufficient to support an obviousness rejection. Further, the Examiner has failed to articulate a motivation of modifying the cable of Beamenderfer by providing only a single wire 4 instead of a pair of wires.

¹ See paragraph 6 of the present Office Action. Although the Examiner refers to signal wires 4, it appears that the Examiner meant to cite ground wires 5 since adjacent ground wires 5, and not signal wires 4, are in the same plane.

Second, the order of the wires and their distances apart from each other and the dielectric properties of a jacket of Beamenderfer are arranged in order to maintain a characteristic impedance through the length of the cable. Col. 2, lines 54-58; col. 3, lines 53-59; col. 4, lines 33-45. Therefore, the arrangement of the wires, including adjacent wires in the same plane, is critical to the operation of Beamenderfer. Moreover, modifying Beamenderfer by eliminating a wire is directly against the desired order and spacing of the wires. Consequently, modifying Beamenderfer to include the conductors of claim 1 would result in a substantial modification of the principle of operation of the cable of Beamenderfer, which evidences that the Examiner's reasoning is merely a result of impermissible hindsight.

For at least the above reasons, claims 1, 3, 6, and 12 and their dependent claims should be deemed patentable.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No.: 10/053,007

Attorney Docket No.: Q68157

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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